

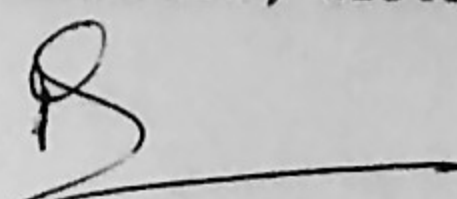
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

CIVIL CONTEMPT PETITION NO. 66 OF 2004

ALLAHABAD, THIS THE 8th DAY OF October 2004

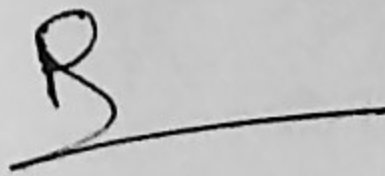
HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)
HON'BLE MR. S. C. CHAUBE, MEMBER(A)

1. Chandra Pal Ticket No.447883, F.G.M.
son of Late Hirwa, Cill. Mohanpur,
Post Milap Nagar, District- Haridwar.
2. Mahabir Singh Ticket No.462055 FGM
son of late Fakar Singh House No.665/03,
MES Colony, Meerut Road, Roorkee District-Hardwar
(Uttaranchal).
3. Kundan Singh T.No.369755 FGM
son of Shri Dhan Singh House No.670/6 MES Colony,
Meerut Road, Roorkee.
4. Kunwar Singh T.No.369775 FGM,
son of Shri Daulat Singh House No.664/3
MES Colony Roorkee, Hardwar Uttaranchal.
5. I, Jhone T.No.447403 FGM
son of M. Jhone 664/1 MES Colony,
Roorkee Hardwar.
6. Jamira T.No. 445985 FGM
son of Shri Abdul Hamid Nangli
Imati, P.O. Milap Nagar, Roorkee,
Haridwar.
7. Murat Ram T.No.447040 FGM
son of Late Sangar Tam village Pauli Gujar,
Post Milap Nagar, Rorkee, Hardiwar.
8. Ram Lal T.No.448229 FGM son of Shri Gangadeen
N.No.29, Chaumandi, Roorkee, District-Hardwar.
9. Rameshwar Dayal No.447402 FGM,
son of Shri Atma Ram C Ashok Nagar,
P.O. Roorkee District-Hardwar.
10. Satish Yadav, T.No.447591 FGM
son of Shri Tulsi Ram 152, Ganesh Pur,
Roorkee District - Hardwar (Uttaranchal)
11. Prem Singh T.No.468195 FGM,
son of Shri Sangta Ram vill Bhageri,
post Bhageri, District-Hardwar.
12. Darshan Singh T.No.447308 FGM son of Shri Chatar
Singh CEG Near I.B.O.O. Roorkee, District-Hardwar.



13. Gyan Singh T.No.447088 FGM son of Sri Tail
Ram H.No.22, MES Colony, P.O. Roorkee Distt. Hardwar.
14. Hira Singh T.No.447316 FGM,
son of Shri Khusher Singh H.No.671/2
MES Colony, Meerut Road, P.O. Roorkee,
District - Hardwar.
15. Jaibhan Singh T.No.447141 FGM,
son of Shri Surna Ram 672/6 MIS Colony,
Meerut Road, Roorkee Hardwar.
16. Amrik Singh T.No.447797 FGM,
son of Late Kartar Singh 150,
Railway Road, P.O. Roorkee District-Hardwar.
17. Narendra Kumar T.No. 461815,
FGM son of Late Hemram H.No.668/04,
MES Colony, Meerut Road, Roorkee Hardwar.
18. Jahir Hussain T.No.447741, FGM,
son of Shri Jarif Hussain 28, Mohammadpur,
P.O. Milap Nagar, Roorkee, Haridwar.
19. Chandra Prakash T.No.447406 FGM son of Late
Raghunath Lal 161, Ram Nagar, Roorkee Hardwar.
20. Radhey Lal T.No.447400, FGM,
son of Shri Beni, 664/5 MES Colony,
Post Roorkee District-Hardwar.
21. Mukh Ram T.No.446199 FGM
son of Shri Gauri Ram Vill. Bhageri,
Post Bhageri, Distt. Hardwar.
22. Meon Ram T.No.447085 FGM
son of Shri ChatarSingh Vill. Salempur
Rajputana, Post Roorkee, Distt. Hardwar.
23. Hari Lal T.No. 446151 FGM
son of Shri Jwala Prasad 165, Ganeshpur,
Post Roorkee Hardwar.
24. Pritam Singh T.No.447784 FGM,
son of Srim Radhr Ram H.No.73,
Milap Nagar, P.O., Milapnagar,
Roorkee Hardwar.
25. Satish Sharma T.No.448540 FGM,
son of Late Shri Ram H.No. 663/3 MES Colony,
Meerut Road, P.O. Roorkee, Distt. Hardwar.
26. Motilal Yadav, T.No.447429 FGM,
son of Shri Girdhari Lal Vill Mohanpur,
Debal Phatak P.O. Mohanpur,
Roorkee, District-Hardwar.
27. Raitu Lal T.No.447747 FGM
son of Late Sukh Ram Vill. Mudat
Post-Magnlore Distt. Hardwar. (Uttaranchal)

28. Anand Prakash T.No.448658 FGM
son of Shri Balwant Singh 668/3, MES
Colony, Meerut Road, Post Roorkee, Hardwar.
29. RajaRam T.No.361829 FGM
son of late Naldatt Ashok Nagar,
Siwatri Colony, Post Roorkee, Hardwar.
30. Gabar Singh T.No.448557 FGM
son of Shri Mahawant Singh H.No.666/6
Mes Colony, Meerut Road, Post Roorkee,
Hardwar.
31. Bharat Singh T.No.447828 FGM
son of Indra Singh Vill. Mahwqr Kali Khal,
Roorkee, District-Hardwar.
32. Ram Prakash T.No.448656 FGM,
son of Late J.N. Ketwqla 666/3 MES,
Colony Meerut Road, P.O. Roorkee, Hardwar.
33. Mst Ram T.No.437206 FGM,
son of Late Abhai Ram, H.No.6, MES
Colony Post Roorkee, Hardwar.
34. Hari Ram T.No.499246 FGM,
son of Shri Shiv Ram 39, Chaumandi,
Roorkee, District-Hardwar.
35. Charan Das T.No.444397 FGM
son of Late Jai Ram Balmiki Nagar,
Gole Phatak Roorkee, Hardwar.
36. Mahesh Pawar FGM, son of Shri Shanker Pawar,
H.No.5 Brigred Marg, Roorkee,
Post Roorkee, Hardwar.
37. Amarjeet Singh T.No.447919 FGM
son of Shri Pritam Singh No. No.455,
Gai No. 10, Ram Nagar, Campt Post
Roorkee, District-Hardwar.
38. Tailu Ram T.No.447796 FGM,
son of Shri Sukh Ram Vill.
Munder, Post Manglore, Hardwar.
39. Bal Kishan T.No.447795, FGM
son of Late Buxi Raghunath
H.No.389, Ram Nagar, P.O.,
Roorkee, Hardwar.
40. Prem Singh T.No.446158 FGM
son of Shri Barumal Vill. Bhageri,
Post Milapnagar, Roorkee, Hardwar.
41. Mehar Singh T.No.447711 FGEM,
son of Khahla Singh vill Bhageri,
Post-Milapnagar, Roorkee, Hardwar.
42. Sumeri FGM, son of Late Shiv Charan,
T.56, Pump House No.2, Roorkee Cantt.



43. Bijendra Singh FGM son of Late Mangu Singh, vill. Mubarakpur, P.O. Mohammandpur, Roorkee.
44. Jag Mohan Joshi, T.No.456813 FGM, son of Late Madhwanand, H.No.666/11 MES Colony, Roorkee, Cantt. Hardwar.
45. Khandak Singh T.No.455694 FGM son of Late Narain Singh vill- Dandera Post Milapnagar, Roorkee, Hardwar.
46. Sadhru Ram son of Shri Shobha Ram, village-Muneth, Post Milap Nagar, Roorkee, Hardwar.
47. Akhatr Ali son of Sri Nijim Mohd. vill Mohanpura, Post Milapnagar, Roorkee, District-Hardwar.

Even applicants working at present at the office of Garrison Engineer, MES (Roorkee), Hardwar.

.....Applicants

(By Advocate : Shri M.K. Mishra)
Shri D.P. Mishra)

V E R S U S

1. Mr. Ajay Prashad, the Secretary M/o Defence Union of India, New Delhi.
2. The then Secretary, M/o Defence U.N.I. Deciding the case of Petitioners through the Secretary, M/O Defence, U.N.I., New Delhi.
3. A.K. Verma IDSE. SE, CWE (Hills), Dehradun.

.....Respondents

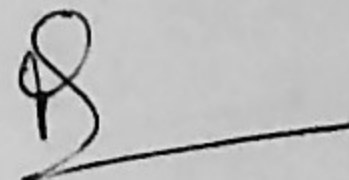
(By Advocate :

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O R D E R

By Hon'ble Mrs. Meera Chhibber, J.M.

This contempt petition has been filed by the applicants alleging dis-obedience of the order dated



20.09.20002 passed in O.A. No. 33 of 2002, ^{whereby} This Court had directed the respondents to decide the case of applicants in the light of directions given by Chandigarh Bench in O.A. No.978/2000 and Guwahati Bench in O.A. No.1030/2000 in the case of M.C. Deb and Ors.

2. Pursuant to the directions given by this Tribunal respondents have issued letter dated 29.04.2003 by passing a detailed order. (Pg.84). It is submitted by the applicants that before passing the order dated 29.04.2003 no opportunity was given to the petitioners nor any objections ^{were R} invited from the petitioners or other effective persons nor the other necessary procedures were followed by the respondents. Therefore, the order dated 29.04.2003 cannot be said to be a speaking order as the same was passed with a pre-determined mind. They have further submitted that the order has been passed by Shri A.K. Verma IDSE, S.E., CUE (Hills), Dehradun without the same having been considered by the Secretary, Defence Ministry, Union of India whereas the order ^{ought to have R} ~~has~~ been passed ^{by} Secretary, Ministry of Defence, Union of India

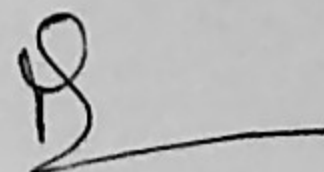
3. They have further stated that in the order dated 29.04.2003 no mention has been made about the judgment given by Mumbai CAT. They have further stated that reasoning given in the order dated 29.04.2003 is absolutely arbitrary, unfair, illegal and against the article 14 and 16 of the constitution. Number of other grounds have been taken to state that the order dated 29.04.2003 is not a valid order in the eyes of law. They have, thus, prayed that respondents should be punished for committing the contempt of court.

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4. In a contempt matter the scope of interference is very limited. The court only has to see whether there is any wilful dis-obedience of the directions given by this court by the respondents or not. It would be relevant to state that by the order dated 20.09.2002 this court had directed ~~the~~ respondents to decide the case of applicants in the light of directions given by Chandigarh Bench and Gowahati Bench. There was no direction given by this Tribunal that the representation should be decided by the Secretary, Ministry of Defence only. There were 5 respondents in the O.A. Namely Union of India through the Secretary, Ministry of Defence; Engineer-in-Chief, Branch Office, Army Head Quarter, New Delhi; Chief Engineer, Central Command, Lucknow; Commandar Works Engineer, Hills, Dehradun and Asstt. Account Officer, Garrison Engineer, U & P Roorkee. Therefore, any one of the respondents could have disposed off the case of applicants in the light of observations made by Chandigarh Bench as well as Gowahati Bench.

5. Respondents have given their reasons while rejecting the representation of the applicants by passing a speaking order. If ~~every~~ applicants feel that this order is not correct or is illegal, arbitrary or violative of some rules then their remedy lies by filing a fresh O.A. and this cannot be a subject matter of contempt petition.

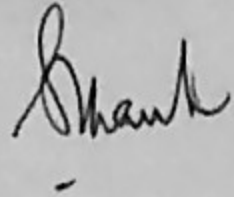
6. Since respondents have already passed speaking order on 29.04.2003 giving reasons for rejecting representation of applicants, by no stretch of imagination, ^{it} can be said, that the respondents have wilfully disobeyed the orders passed by this Tribunal. Now that, they have passed a reasoned order, it is open to the applicants to challenge the said order by filing a fresh O.A. if they are so advised. We do not think



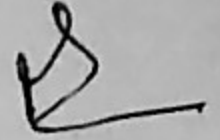
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any case of contempt is made out. Accordingly, contempt petition is dismissed at the admission stage itself.

However, liberty is given to the applicants to challenge the order dated 29.04.2003 in fresh proceedings.



Member (A)



Member (J)

shukla/-